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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,186	04/07/2006	Kenji Nishi	06253/LH	2278
1933	7590	09/11/2009	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC			CRUZ, MAGDA	
220 Fifth Avenue				
16TH Floor			ART UNIT	PAPER NUMBER
NEW YORK, NY 10001-7708			2851	
			MAIL DATE	DELIVERY MODE
			09/11/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/575,186	NISHI, KENJI	
	<b>Examiner</b>	<b>Art Unit</b>	
	MAGDA CRUZ	2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 August 2009.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-43 is/are pending in the application.  
 4a) Of the above claim(s) 1-28 and 39-43 is/are withdrawn from consideration.  
 5) Claim(s) 29-38 is/are allowed.  
 6) Claim(s) \_\_\_\_\_ is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 07 April 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Election/Restrictions***

1. Applicant's election without traverse of Group II (i.e. claims 29-38) in the reply filed on 08/24/2009 is acknowledged.
2. Claims 1-28 and 39-43 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 08/24/2009.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "light diffusing bodies" (see claims 29-30) and the "two-dimensionally light emitting type photoelectric devices" (see claims 29-30, 33-34 and 37-38) must be shown or the features canceled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

### ***Specification***

5. The abstract of the disclosure is objected to because it exceeds 150 words in length, and numerals and/or letters used to indicate elements of the invention should be written in parenthesis. Correction is required. See MPEP § 608.01(b).

6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Allowable Subject Matter***

7. Claims 29-38 are allowed.
8. The following is a statement of reasons for the indication of allowable subject matter:
  - a. Regarding claim 29, the prior art of record neither shows nor suggests an image display device that projects, via a relay optical system, each of the lights emitted from two two-dimensionally light emitting type photoelectric devices which are perpendicular to the light beam emitting direction onto first and second light diffusing bodies which are independent of each other relative to the right and left eyes and projects and images the transmitted images of said light diffusing bodies, via first and second eyepiece optical systems which respectively correspond to the first and second light diffusing bodies, onto the retina in the eyeball, wherein said optical system leads the reflected lights to said relay optical system via second polarization beam splitter, the reflected lights being the P-polarized lights converted from the S-polarized lights, or being the S-polarized lights converted from the P-polarized lights.
  - b. Regarding claim 30, the prior art of record neither shows nor suggests an image display device that projects, via a relay optical system, each of the lights emitted from two sets of two-dimensionally light emitting type photoelectric devices which are perpendicular to the light beam emitting direction onto first and second light diffusing bodies which are independent of each other relative to the right and left eyes and projects and images the transmitted images of said light

diffusing bodies, via first and second eyepiece optical systems which respectively correspond to the first and second light diffusing bodies, onto the retina in the eyeball, wherein an optical system that leads each of the divided P-polarized light and S-polarized light respectively to said two sets of two-dimensionally light emitting type photoelectric devices, thus illuminates said two two-dimensionally, light emitting type photoelectric devices, and leads the lights reflected thereby to said relay optical system are provided, and in that said optical system leads said P-polarized light or S-polarized light to said two-dimensionally light emitting type photoelectric devices, which accommodate the colors of G, B, and R, via a second polarization beam splitter, and an RGB light beam division multiplexer prism and leads the reflected lights reflected thereby to said relay optical system via said RGB light beam dividing/multiplexing prism, and said second polarization beam splitter, the reflected lights being the P-polarized lights converted from the S-polarized lights, or being the S-polarized lights converted from the P-polarized lights.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Spitzer et al. (US Patent Number 6,879,443 B2) disclose a viewing system which provides images from electronic display elements.

Tuval (US Pub. No. 2002/0109819 A1) shows a method and apparatus for the generation of an image on a selectable part of the retina of a viewer's eye.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAGDA CRUZ whose telephone number is (571)272-2114. The examiner can normally be reached on Monday through Thursday 8:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on (571) 272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MC/  
September 10, 2009

/Diane I Lee/  
Supervisory Patent Examiner, Art Unit 2851